

Calendar No. 117

109TH CONGRESS
1ST SESSION**S. 302****[Report No. 109–75]**

To make improvements in the Foundation for the National Institutes of Health.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2005

Mr. KENNEDY (for himself, Mr. GREGG, Mr. ENZI, Mr. FRIST, Mr. BINGAMAN, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

MAY 26, 2005

Reported by Mr. ENZI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make improvements in the Foundation for the National Institutes of Health.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foundation for the
5 National Institutes of Health Improvement Act”.

1 **SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISH-**
 2 **MENT AND DUTIES.**

3 Section 499 of the Public Health Service Act (42
 4 U.S.C. 290b) is amended—

5 (1) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by amending subparagraph (D)(ii)
 8 to read as follows:

9 “(ii) Upon the appointment of the ap-
 10 pointed members of the Board under clause
 11 (i)(H), the terms of service as members of the
 12 Board of the ex officio members of the Board
 13 described in clauses (i) and (ii) of subparagraph
 14 (B) shall terminate. The ex officio members of
 15 the Board described in clauses (iii) and (iv) of
 16 subparagraph (B) shall continue to serve as ex
 17 officio members of the Board.”; and

18 (ii) in subparagraph (G), by inserting
 19 “appointed” after “that the number of”;

20 (B) by amending paragraph (3)(B) to read
 21 as follows:

22 “(B) Any vacancy in the membership of
 23 the appointed members of the Board shall be
 24 filled in accordance with the bylaws of the
 25 Foundation established in accordance with
 26 paragraph (6), and shall not affect the power of

1 the remaining appointed members to execute
 2 the duties of the Board.”; and

3 (C) in paragraph (5), by inserting “ap-
 4 pointed” after “majority of the”;
 5 (2) in subsection (j)—

6 (A) in paragraph (2), by striking
 7 “(d)(2)(B)(i)(II)” and inserting “(d)(6)”; and

8 (B) in paragraph (10), by striking “of
 9 Health.” and inserting “of Health and the Na-
 10 tional Institutes of Health may accept transfers
 11 of funds from the Foundation.”; and

12 (3) by striking subsection (l) and inserting the
 13 following:

14 “(l) FUNDING.—From amounts appropriated to the
 15 National Institutes of Health, for each fiscal year, the Di-
 16 rector of NIH shall transfer not less than \$500,000 to
 17 the Foundation.”.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Foundation for the Na-*
 20 *tional Institutes of Health Improvement Act”.*

21 **SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISH-**
 22 **MENT AND DUTIES.**

23 *Section 499 of the Public Health Service Act (42*
 24 *U.S.C. 290b) is amended—*

25 *(1) in subsection (d)—*

1 (A) in paragraph (1)—

2 (i) by amending subparagraph (D)(ii)

3 to read as follows:

4 “(ii) Upon the appointment of the ap-
 5 pointed members of the Board under clause
 6 (i)(II), the terms of service as members of the
 7 Board of the ex officio members of the Board de-
 8 scribed in clauses (i) and (ii) of subparagraph
 9 (B) shall terminate. The ex officio members of
 10 the Board described in clauses (iii) and (iv) of
 11 subparagraph (B) shall continue to serve as ex
 12 officio members of the Board.”; and

13 (ii) in subparagraph (G), by inserting
 14 “appointed” after “that the number of”;

15 (B) by amending paragraph (3)(B) to read
 16 as follows:

17 “(B) Any vacancy in the membership of the
 18 appointed members of the Board shall be filled in
 19 accordance with the bylaws of the Foundation es-
 20 tablished in accordance with paragraph (6), and
 21 shall not affect the power of the remaining ap-
 22 pointed members to execute the duties of the
 23 Board.”; and

24 (C) in paragraph (5), by inserting “ap-
 25 pointed” after “majority of the”;

1 (2) *in subsection (j)—*

2 (A) *in paragraph (2), by striking*
3 *“(d)(2)(B)(i)(II)” and inserting “(d)(6)”;*

4 (B) *in paragraph (4)—*

5 (i) *in subparagraph (A), by inserting*
6 *“, including an accounting of the use of*
7 *amounts transferred under subsection (l)”*
8 *before the period at the end; and*

9 (ii) *by striking subparagraph (C) and*
10 *inserting the following:*

11 “(C) *The Foundation shall make copies of*
12 *each report submitted under subparagraph (A)*
13 *available—*

14 “(i) *for public inspection, and shall*
15 *upon request provide a copy of the report to*
16 *any individual for a charge that shall not*
17 *exceed the cost of providing the copy; and*

18 “(ii) *to the appropriate committees of*
19 *Congress.”; and*

20 (C) *in paragraph (10), by striking “of*
21 *Health.” and inserting “of Health and the Na-*
22 *tional Institutes of Health may accept transfers*
23 *of funds from the Foundation.”; and*

24 (3) *by striking subsection (l) and inserting the*
25 *following:*

1 “(l) *FUNDING.*—*From amounts appropriated to the*
2 *National Institutes of Health, for each fiscal year, the Di-*
3 *rector of NIH shall transfer not less than \$500,000 and not*
4 *more than \$1,250,000 to the Foundation.*”.

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National Institutes of Health.

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